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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,342

03/30/2006

Eric Jonsen

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EXAMINER

PATEL, NATASHA

ART UNIT

PAPER NUMBER

3766

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,342

Applicant(s)

JONSEN, ERIC

Examiner

Natasha N. Patel

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The amendment filed April 25, 2007 has been received and considered. By this amendment, Claims 1-3, 9-10, and 13-14 have been amended. No Claims have been added or cancelled. Claims 1-16 are pending in the application:

Drawings

Examiner is withdrawing objections made to Drawings in the last Office Action.

Specification

Examiner is withdrawing objections made to the Specification in the last Office Action.

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

Response to Arguments

2. Applicant's arguments, see pages 7-10, filed April 25, 2007, with respect to the rejection(s) of claim(s) 1-16 under 35 USC §102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Solosko et al. (WO 03/037176 A2).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Solosko et al. (WO 03/037176 A2).

5. Regarding Claims 1 and 14, Solosko discloses an enclosure (see package 33; Figure 8) for a medical defibrillator electrode (see p. 10, lines 12-14) which seals the electrode against moisture loss (see p. 1, lines 7-9) while the electrode remains in electrical communication with a defibrillator (see p. 4, lines 26-27) comprising:
an enclosure formed of flexible material which is adapted to be sealed against moisture loss (see package 33);
an interior connector (see electrically conductive strip 31; Figure 8) located on the interior of the enclosure and adapted to detachably connect to a defibrillator (see p. 11, lines 25-28); and
an exterior connector (see pad connector 39; Figure 8) located on the outside of the enclosure and adapted to detachably connect to a defibrillator (see p. 13, lines 7-10), the exterior connector being in electrical communication with the interior connector (see Figure 8). The examiner considers that the exterior connector is in electrical communication with the interior connector via conductive meshes 27 and 29).

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6. Regarding Claim 2, Solosko discloses a defibrillator electrode having a wireset (see conductive meshes 27 and 29) detachably coupled to the interior connector, wherein the defibrillator electrode is sealed inside of the enclosure (see Figure 8). The examiner considers that when the conductive strip 31 is torn, the conductive meshes have been detached from what used to be a connector.
7. Regarding Claim 3, see rejection of similarly worded Claims 1 and 2 above. The examiner considers that if the defibrillator is to send/receive electrical signals via connector 39, then connector 39 must be electrically connected to the defibrillator.
8. Regarding Claim 4, Solosko discloses the enclosure has a wall of flexible material (see p. 9, lines 3-4), wherein the interior and exterior connectors are sealed through a hole in the wall of flexible material (see p. 7, lines 1-4 and p. 8, lines 1-3).
9. Regarding Claim 9, see rejection of similarly worded Claim 1 above. Furthermore, Solosko discloses that the medical instrument is adapted to monitor the functioning of the electrode via the signal path (see p. 5, lines 17-30).
10. Regarding Claim 10, Solosko discloses the defibrillator is an external defibrillator (see p. 1, lines 23-25). The examiner considers that since the electrodes are placed on the patient's skin, the defibrillator is on the outside of the body.
11. Regarding Claim 11, Solosko discloses a hermetically sealable pouch for storing the electrode (see p. 9, lines 1-6).
12. Regarding Claim 12, Solosko discloses the interior connector and the exterior connector comprise an electrical connector leads 35 and 37) having the first end

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disposed in the interior of the enclosure, and a second end disposed on the exterior of the enclosure (see Figure 8).

13. Regarding Claim 13, Solosko discloses the defibrillator instrument further comprises an electrical plug (see end plug 41) adapted to connect to the exterior connector (see Figure 8).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 5-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solosko et al. (WO 03/037176 A2) in view of Freeman et al. (US Patent 5,467,157).

16. Regarding Claim 5, Solosko discloses a flange (see liners 11 and 28) having the interior and exterior connectors located on opposite sides thereof (see Figure 1A). Solosko does not disclose that the flange is sealed to a hole in the wall of flexible material. Freeman discloses a similar electrode package with a flange (see gasket 88), wherein the flange is sealed to a hole in the wall of flexible material (see col. 4, lines 31-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a flange sealed to a hole in the wall of the flexible material in order

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to allow leads to pass through while maintaining a sealed environment (see col. 4, lines 36-41).

17. Regarding Claim 6, Solosko does not disclose a heat-sealed flange. Freeman discloses a flange having the interior and exterior connectors located on opposite sides thereof, wherein the flange is heat-sealed to the periphery of a hole in the wall of flexible material (see col. 2, lines 39-43 and col. 4, lines 23-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to heat seal the flange to the side of the wall because Freeman teaches that this is an effective way of sealing off the compartments (see col. 4, lines 23-25).

18. Regarding Claims 7 and 8, Freeman discloses that the flange is formed of a rigid insulative, heat-sealable material (see RTV; col. 4, lines 26-28).

19. Regarding Claim 15, Solosko discloses sealing the package (see p. 9, lines 32-34). Solosko does not elaborate on the specific methods used to seal the package. Freeman discloses using heat (see col. 4, lines 58-62; Figure 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to heat seal the package because Freeman teaches that this is an effective method (see col. 4, lines 23-25).

20. Regarding Claim 16, see rejection of similarly worded Claims 6 and 7 above.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

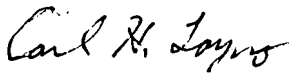
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

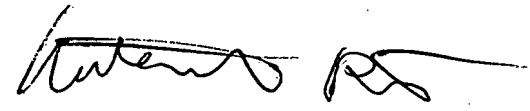
22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natasha N. Patel whose telephone number is 571-272-5818. The examiner can normally be reached on M-F 8:30-5:00.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CARL LAYNO
PRIMARY EXAMINER


Natasha N Patel
Patent Examiner
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